

Serial No.: 10/632,871  
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### **REMARKS**

Reconsideration is requested in view of the above amendments and the following remarks. Claims 1-20 have been canceled. New claims 21-28 have been added. Support for the new claims can be found in, e.g., Figs. 1-3, among other places. Claims 21-28 are pending in the application.

#### **Claim Rejections – 35 USC § 112**

Claims 1-20 are rejected under 35 USC 112, second paragraph, as being indefinite. The rejection of claims 1-20 is moot in view of the cancellation of those claims. Applicant is not conceding the correctness of the rejection.

#### **Claim Rejections – 35 USC § 102**

Claims 1-20 are rejected under 35 USC § 102(b) as being anticipated by Dietze et al. (US 5,035,862). The rejection of claims 1-20 is moot in view of the cancellation of those claims. Applicant is not conceding the correctness of the rejection.

Claims 1-3, 5-7, 9-11 and 13-20 are rejected under 35 USC § 102(b) as being anticipated by Armor (US 5,240,674). The rejection of claims 1-3, 5-7, 9-11 and 13-20 is moot in view of the cancellation of those claims. Applicant is not conceding the correctness of the rejection.

#### **Claim Rejections – 35 USC § 103**

Claims 1-20 are rejected under 35 USC 103(a) as being unpatentable over Takanori et al. (JP 2002-090357). The rejection of claims 1-20 is moot in view of the cancellation of those claims. Applicant is not conceding the correctness of the rejection.

Applicant submits that the features of new independent claim 21 are not seen in or suggested by the references of record. Claim 21 recites a heating layer that is formed over a cover for heating a sample liquid in a sample channel to a target temperature, where the heating layer has a through-hole corresponding to a measurement zone. Claim

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21 further recites a magnetic generating coil for electromagnetically generating heat in the heating layer. In one embodiment as shown in Figs. 1-3, a heating layer 14 is formed over a cover 13 for heating a sample liquid in a sample channel 11C to a target temperature, where the heating layer 14 has a through-hole 14a corresponding to a measurement zone 11Cb. The heat generated in the heating layer 14 is electromagnetically generated by a magnetic generating coil 23.

The present record fails to teach or suggest a heating layer that has a through-hole corresponding to a measurement zone, as recited in claim 21. Moreover, Takanori et al. (JP 2002-90357) even fail teach or suggest a magnetic generating coil for electromagnetically generating heat in a heating layer as recited in claim 21. In fact, Takanori et al. merely discuss a micro-chemical device where heating is realized by resistance-heating in deposited carbon layers 8-10, 8'-10'. For at least these reasons, claim 21 is patentable over each of Dietze et al. (US 5,035,862), Armor (US 5,240,674) and Takanori et al. (JP 2002-90357).

New independent claim 26, which includes similar limitations concerning a heating layer that has a through-hole corresponding to a measurement zone, should be patentable for at least the reasons discussed above with regard to claim 21.

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In view of the above, favorable reconsideration in the form of a notice of allowance is respectfully requested. Any questions regarding this communication can be directed to the undersigned attorney, James A. Larson, Reg. No. 40,443, at (612) 455-3805.

Respectfully submitted,

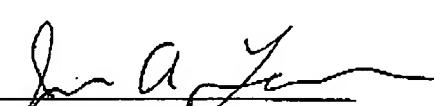
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Dated: May 26, 2009

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